U.S. Army Corps of Engineers

DISTRICT OFFICE: Nashville District

FILE NUMBER: 960047697

PROJECT I	OCATION	INFORMATION:
LNOJECI L	OCALION	INTURNATION.

(6) The presence of territorial seas.

State: Tennessee County:

Knox

	App Nan	roximate	size of are est waterw	a (parcel) revievay: Sand Branc	wed, including	y uplands: 9.39 acres.
JUI				RMINATION determination (s)		Date: Date(s): 4/30/2007
	Juri	isdictiona	l Determi	nation (JD):		
		United S	tates" and	ased on available or "navigable was part 331).	le information vaters of the U	, \boxtimes there appear to be (or) \square there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
			d JD – An l that appl		an appealable	e action (Reference 33 CFR part 331).
				gable waters of Approximate si		ates" (as defined by 33 CFR part 329 and associated guidance) within tional area:
				ers of the United proximate size of		defined by 33 CFR part 328 and associated guidance) within the all area:
		☐ There	e are "isol			tte waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No
BAS	A.	Waters of The prese	defined u r ence of wa	ters that are sub	art 329 as "na eject to the ebb	avigable waters of the United States": o and flow of the tide and/or are presently used, or have been used in out interstate or foreign commerce.
	B	(1) The printerstate (2) The property (3) The property (3) The property (3) The property (4) and property (5) and property (5	oresence of e or foreign presence of presence of the wetlands on of which which are of	f waters, which is commerce, incommerce, incommerce, incommerce interstate water other waters su, sloughs, prairies could affect in could be used	are currently under the cluding all waters including in the case of the contrastate community interstate community interstate community.	s "waters of the United States": used, or were used in the past, or may be susceptible to use in ters which are subject to the ebb and flow of the tide. Interstate wetlands . It lakes, rivers, streams (including intermittent streams), mudflats, the meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): for foreign travelers for recreational or other purposes. It be taken and sold in interstate or foreign commerce.
		(4) Impo	undments	of waters otherw	wise defined a	al purposes by industries in interstate commerce. s waters of the US. ied in (1) – (4) above.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Sand Branch is a tributary to Swan Pond Creek, which is a tributary to the Holston River

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Lat ⊠	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: ☐ clear, natural line impressed on the bank ☐ the presence of litter and debris ☐ changes in the character of soil ☐ destruction of terrestrial vegetation ☐ shelving ☐ other: ☐ Image: All All All All All All All All All Al
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Preliminary Jurisdicitional Determination.
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA I	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Shooks Gap, Tennessee Quad U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. A Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Date): 4/30/2007 Advanced Identification Wetland maps: Site visit/determination conducted on: 4/30/2007 Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Nashville **FILE NUMBER:** 200700794

(6) The presence of territorial seas.

FILE N	UMBER: 200700794
Stat Cou Cer App Nar	te: Tennessee unty: Williamson hter coordinates of site (latitude/longitude): 35.93/86.81 proximate size of area (parcel) reviewed, including uplands: ne of nearest waterway: South Prong Spencer Creek ne of watershed: Harpeth
	DICTIONAL DETERMINATION mpleted: Desktop determination
Jur	risdictional Determination (JD):
	Preliminary JD - Based on available information, \square <i>there appear to be</i> (or) \square <i>there appear to be no</i> "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	☐ <i>There are</i> "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	☑ <i>There are</i> "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
BASIS (OF JURISDICTIONAL DETERMINATION:
A.	Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
B. □	Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
	 (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or
	destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce.
	 (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: East Fork Stones River is a water of the United States.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Lat ⊠	Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank Changes in the character of soil Changes in the character of soil	
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.	
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared	oy:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basi rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 3 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rational Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):	ns, or land for 3 CFR
DATA I	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Actual Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Nashville

FILE N	UMBER:	200700793					
Star Cou Cer App Nar	e: anty: ater coordi proximate ne of near	ATION INFORMATION: Tennessee Williamson inates of site (latitude/longitusize of area (parcel) reviewerest waterway: Unnamed Triershed: Harpeth	ed, including				
		AL DETERMINATION Desktop determination Site visit(s)		Date: 05/3/2007 Date(s):			
Jur	isdictiona	al Determination (JD):					
	United S	nary JD - Based on available States" and/or "navigable wa nce 33 CFR part 331).	information ters of the U	n, \square there appear to be (or) \square there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable			
	• •	ed JD – An approved JD is and that apply:	n appealable	e action (Reference 33 CFR part 331).			
	☐ <i>There are</i> "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:						
		e are "waters of the United S d area. Approximate size of		defined by 33 CFR part 328 and associated guidance) within the nal area:			
	☐ There			ate waters or wetlands" within the reviewed area. ANCC/Migratory Bird Rule Information Sheet for Determination of No.			
	Waters The pres	sence of waters that are subje	t 329 as "nact to the ebl	avigable waters of the United States": b and flow of the tide and/or are presently used, or have been used in ort interstate or foreign commerce.			

	The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in
	the past, or may be susceptible for use to transport interstate or foreign commerce.
В.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in
	interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
	(2) The presence of interstate waters including interstate wetlands ¹ .
\boxtimes	(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,
	sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or
	destruction of which could affect interstate commerce including any such waters (check all that apply):
	(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
	(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
	(iii) which are or could be used for industrial purposes by industries in interstate commerce.
	(4) Impoundments of waters otherwise defined as waters of the US.
	(5) The presence of a tributary to a water identified in $(1) - (4)$ above.
	(6) The presence of territorial seas.
	(7) The presence of wetlands adjacent ² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: East Fork Stones River is a water of the United States.

Lat ⊠	Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank Changes in the character of soil Changes in the character of soil	
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DATA I	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Actual Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):	

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U.S. Army Corps of Engineers

DISTRICT OFFICE: Nashville **FILE NUMBER:** 200700792

Sta	te:	Tennessee	FORMATION e	:	
Cer Apj Nai	nter coordi proximate me of near	size of area	e (latitude/long a (parcel) reviev ay: Staion Can aberland	wed, includir	36.83/86.74 ng uplands:
			RMINATION letermination s)		Date: 05/3/2007 Date(s):
Jur	risdictiona	l Determin	nation (JD):		
	United S		or "navigable v		on, \square there appear to be (or) \square there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
		d JD – An l that apply		an appealab	ele action (Reference 33 CFR part 331).
			gable waters of Approximate si		States" (as defined by 33 CFR part 329 and associated guidance) within ctional area:
			rs of the United Proximate size of		s defined by 33 CFR part 328 and associated guidance) within the onal area:
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BASIS (Waters of	defined un ence of wat	ers that are sub	art 329 as "r ject to the el	navigable waters of the United States": bb and flow of the tide and/or are presently used, or have been used in bort interstate or foreign commerce.
B.	(1) The printerstate (2) The printerstate (3) The printerstate (3) The printerstate (3) The printerstate (4) Important (4) Important (5) The printerstate (5	oresence of e or foreign presence of presence of the wetlands, on of which which are of from which which are undments of presence of	waters, which commerce, inc interstate water other waters su sloughs, prairing could affect in could be used fish or shellfish or could be used fish or stellfish or could be used a tributary to a territorial seas.	are currently luding all wars including all wars including ach as intrast e potholes, waterstate comby interstate comby interstate hare or could for industrivise defined water identi	as "waters of the United States": y used, or were used in the past, or may be susceptible to use in a ters which are subject to the ebb and flow of the tide. interstate wetlands 1. tate lakes, rivers, streams (including intermittent streams), mudflats, wet meadows, playa lakes, or natural ponds, the use, degradation or namerce including any such waters (check all that apply): e or foreign travelers for recreational or other purposes. In the taken and sold in interstate or foreign commerce. The purposes by industries in interstate commerce. The use waters of the US. If if in (1) – (4) above. The waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: East Fork Stones River is a water of the United States.

Lat ⊠	Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank Changes in the character of soil Changes in the character of soil	
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DATA I	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Actual Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):	

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U.S. Army Corps of Engineers

DISTRICT OFFICE: Nashville **FILE NUMBER:** 200700791

FILE N	UMBER: 200700791
Star Cou Cer App Nar	CT LOCATION INFORMATION: te: Tennessee unty: Sumner ter coordinates of site (latitude/longitude): 36.83/86.74 proximate size of area (parcel) reviewed, including uplands: me of nearest waterway: Staion Camp Creek me of watershed: Cumberland
	DICTIONAL DETERMINATION mpleted: Desktop determination
Jur	risdictional Determination (JD):
	Preliminary JD - Based on available information, \square <i>there appear to be</i> (or) \square <i>there appear to be no</i> "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	☐ <i>There are</i> "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	☑ <i>There are</i> "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	 There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
	OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
B.	I

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: East Fork Stones River is a water of the United States.

Lat ⊠	Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank Changes in the character of soil Changes in the character of soil	
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.	
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared	oy:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basi rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 3 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rational Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):	ns, or land for 3 CFR
DATA I	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Actual Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Nashville District

FILE N	UMBER: 200700788					
Stat Cou Cer App Nar	ce: Tennessee inty: Washington iter coordinates of site (latitude/longitude): N36.17836 W82.53821 proximate size of area (parcel) reviewed, including uplands: acres. ine of nearest waterway: Nolichucky River ine of watershed: Nolichucky					
	DICTIONAL DETERMINATION mpleted: Desktop determination					
Jur	isdictional Determination (JD):					
	Preliminary JD - Based on available information, \square <i>there appear to be</i> (or) \square <i>there appear to be no</i> "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).					
\boxtimes	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:					
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:					
	☐ There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. ☐ Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.					
BASIS (OF JURISDICTIONAL DETERMINATION:					
A.	 A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. 					
B. ⊠	Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) − (4) above.					

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Nolichucky River is considered a navigable water as per ORNOR-F 86-23

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Lat ⊠	ordinary High Water Mark indicated by: ☐ clear, natural line impressed on the bank ☐ the presence of litter and debris ☐ changes in the character of soil ☐ destruction of terrestrial vegetation ☐ shelving ☐ other: ☐ Images and 329) ☐ High Tide Line indicated by: ☐ oil or scum line along shore objects ☐ fine shell or debris deposits (foreshore) ☐ physical markings/characteristics ☐ tidal gages ☐ other: ☐ other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas D	is For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
DATA F	Other (explain): REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: ORNOR-F 86-23 U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Telford, Tennessee Quad U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): ERFO GIS/ Date Unknown Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Nashville FILE NUMBER: LRN-200700787

PROJECT I	LOCATION	INFORMATION	ON:

Tennessee State: County: Hardin

Center coordinates of site (latitude/longitude): 35-05-30/88-12-30 Approximate size of area (parcel) reviewed, including uplands: 10 acres.

Name of nearest waterway: Lower Anderson Branch

Name of watershed: Tennessee River

JURISDICTIONAL DETERMI	NΑ	ATION
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Completed: Desktop determination Date: 05/01/07 Site visit(s) Date(s): 4/3/07

Jurisdictional	Determination ((DL

Preliminary JD - Based on available information, \square <i>there appear to be</i> (or) \square <i>there appear to be no</i> "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
☑ <i>There are</i> "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
☐ <i>There are</i> "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
☐ There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. ☐ Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A.	Waters defined under 33 CFR part 329 as "navigable waters of the United States":
	The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in
	the past, or may be susceptible for use to transport interstate or foreign commerce.

Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

\triangle	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in
	interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
	(2) The presence of interstate waters including interstate wetlands ¹ .
	(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats
	sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or
	destruction of which could affect interstate commerce including any such waters (check all that apply):

- (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

 (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Lower Anderson Branch is backwater of Pickwick Lake, which is a navigable water of the U.S.

Lat	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore obj fine shell or debris deposits (for physical markings/characteristic tidal gages) other:	reshore)
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report	
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are no United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, se rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavatine purpose of obtaining fill, sand, or gravel unless and until the construction or excavation of abandoned and the resulting body of water meets the definition of waters of the United States 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Expl Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):	3. ettling basins, or etted in dry land for beration is found at 33 CFR
DATA I	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Pickwick Quad U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 17 Minute Historic quadrangles: U.S. Geological Survey 18 Minute Historic quadrangles: U.S. Geological Survey 19 Minute Historic quadrangles: U.S. Geological Survey 19 Minute Historic quadrangles: U.S. Geological Survey 10 Minute Historic quad	rg

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Nashville **FILE NUMBER:** LRN-200700777

Stat Cou Cen App Nan					
	ICTIONAL DETERMINATION Inpleted: Desktop determination				
Jur	isdictional Determination (JD):				
	Preliminary JD - Based on available information, \square <i>there appear to be</i> (or) \square <i>there appear to be no</i> "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).				
\boxtimes	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:				
	☐ <i>There are</i> "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:				
	☐ There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:				
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.				
	OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.				
B. □ ⊠	Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US.				
	 (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands. 				

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: West Branch Hurricane Creek is a water of the United States.

Lat ⊠	Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank Changes in the character of soil Changes in the character of soil	
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.	
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared	oy:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basi rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 3 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rational Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):	ns, or land for 3 CFR
DATA I	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Actual Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NASHVILLE **FILE NUMBER:** 2006-04104

PRO	JEC	CT LOCAT	TION IN	FORMATION:		
9	State	e: '	TN			
(Cou	nty:	SEVIER			
(Cent	ter coordina	ates of sit	te (latitude/longitud	e):	N35-50-38; W83-35-54
						g uplands: 0.5 acres.
]	Nam	ne of neares	st waterw	ay: NORTON BRA	NCH	
]	Nam	ne of waters	shed:	FRENCH BROAD	RIVER	
				RMINATION		D 4/20/2007
(Con	_	-	determination	\boxtimes	Date: 4/30/2007
		i	Site visit	(s)		Date(s):
	Juri	sdictional	Determi	nation (JD):		
		Preliminar	y JD - B	ased on available in	formation	, \square there appear to be (or) \square there appear to be no "waters of the
						Inited States" on the project site. A preliminary JD is not appealable
		(Reference	e 33 CFR	part 331).		
	\boxtimes				appealable	e action (Reference 33 CFR part 331).
		Check all	that apply	y:		
					TT 1: 10:	. N/ 10 11 22 GFD
						ates" (as defined by 33 CFR part 329 and associated guidance) within
		the review	ed area.	Approximate size of	of jurisdict	ional area: .
		M Thorn	ana "moto	ore of the United Ste	otos" (os s	defined by 33 CFR part 328 and associated guidance) within the
	reviewed area. Approximate size of jurisdictional area: .006 ac. There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.					ai aica000 ac.
						te waters or wetlands" within the reviewed area.
						NCC/Migratory Bird Rule Information Sheet for Determination of No
		'	_	Jurisdiction.		
BASI	IS O			NAL DETERMINA		
4	A.					avigable waters of the United States":
		The preser	nce of wa	ters that are subject	to the ebb	and flow of the tide and/or are presently used, or have been used in
		the past, o	r may be	susceptible for use	to transpo	<u>rt</u> interstate or foreign commerce.
						s "waters of the United States":
						used, or were used in the past, or may be susceptible to use in
	_					ters which are subject to the ebb and flow of the tide.
				interstate waters in		
						te lakes, rivers, streams (including intermittent streams), mudflats,
						et meadows, playa lakes, or natural ponds, the use, degradation or
						nerce including any such waters (check all that apply):
						or foreign travelers for recreational or other purposes.
						be taken and sold in interstate or foreign commerce.
1				of waters otherwise		al purposes by industries in interstate commerce.
l	\mathbb{X}					swaters of the US. $ed in (1) - (4) above.$
i				f territorial seas.	or racintill	100 m (1) (1) noore.
i	Ħ				to other v	vaters of the US, except for those wetlands adjacent to other wetlands.
'	_	(,) The pr	0.00000		to outer v	rates of the est, except for those wettands adjacent to other wettands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

Lat	ateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and	_ `
		High Tide Line indicated by:
	clear, natural line impressed on the bank	oil or scum line along shore objects
	the presence of litter and debris	fine shell or debris deposits (foreshore)
	changes in the character of soil	physical markings/characteristics
	destruction of terrestrial vegetation	tidal gages
	shelving	other:
	other:	
	Mean High Water Mark indicated by:	
	survey to available datum; physical markings; veg	etation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland deline	ation map and/or in a delineation report prepared by:
Bas	nsis For Not Asserting Jurisdiction:	
	The reviewed area consists entirely of uplands.	()(1 0 47)
	Unable to confirm the presence of waters in 33 CFR part 328	
	Headquarters declined to approve jurisdiction on the basis of	
	The Corps has made a case-specific determination that the fo United States:	nowing waters present on the site are not waters of the
	Waste treatment systems, including treatment ponds of	or lagoons, pursuant to 33 CFR part 328.3.
	Artificially irrigated areas, which would revert to upla	and if the irrigation ceased.
	Artificial lakes and ponds created by excavating and/o	
	•	purposes as stock watering, irrigation, settling basins, or
	rice growing.	owners and bodies of water areated
	Artificial reflecting or swimming pools or other small by excavating and/or diking dry land to retain water for	
		I to construction activity and pits excavated in dry land fo
	the purpose of obtaining fill, sand, or gravel unless an	
		definition of waters of the United States found at 33 CFR
	328.3(a).	definition of waters of the emited states found at 35 er it
	Isolated, intrastate wetland with no nexus to interstate	commerce.
	Prior converted cropland, as determined by the Natura	
	Non-tidal drainage or irrigation ditches excavated on	
	Other (explain):	
DATA R	REVIEWED FOR JURSIDICTIONAL DETERMINATION	N (mark all that apply):
\boxtimes	Maps, plans, plots or plat submitted by or on behalf of the app	olicant.
	This office concurs with the delineation report, dated	, prepared by (company):
_	This office does not concur with the delineation report, d	ated , prepared by (company):
	Data sheets prepared by the Corps.	
	Corps' navigable waters' studies:	
	U.S. Geological Survey Hydrologic Atlas:	
×	U.S. Geological Survey 7.5 Minute Topographic maps:	
\vdash	U.S. Geological Survey 7.5 Minute Historic quadrangles:	
\vdash	U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey:	
H	National wetlands inventory maps:	
H	State/Local wetland inventory maps:	
H	FEMA/FIRM maps (Map Name & Date):	
H	100-year Floodplain Elevation is: (NGVD)	
H	Aerial Photographs (Name & Date):	
Ħ	Other photographs (Date):	
	Advanced Identification Wetland maps:	
	Site visit/determination conducted on:	
	Applicable/supporting case law:	
Ħ	Other information (please specify):	
_		
Project N	Manager/Regulatory Specialist_dt4/30/07_	Section Chief

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NASHVILLE **FILE NUMBER:** 2007-00626

Stat Cou Cen App Nan	CT LOCATION INFORMATION: te: TN unty: DEKALB nter coordinates of site (latitude/longitude): proximate size of area (parcel) reviewed, including ne of nearest waterway: HELTON CREEK me of watershed: LOWER CUMBERLAND	36.0561111111494;-86.0247222221949 uplands: 0.01 acres.
	1	Date: 4/30/07 Date(s):
Jur	risdictional Determination (JD):	
		there appear to be (or) there appear to be no "waters of the lited States" on the project site. A preliminary JD is not appealable
\boxtimes	Approved JD – An approved JD is an appealable Check all that apply:	action (Reference 33 CFR part 331).
	There are "navigable waters of the United Stathe reviewed area. Approximate size of jurisdiction."	tes" (as defined by 33 CFR part 329 and associated guidance) within onal area:
	☐ There are "waters of the United States" (as do reviewed area. Approximate size of jurisdictional	efined by 33 CFR part 328 and associated guidance) within the larea:
	There are "isolated, non-navigable, intra-stated Decision supported by SWAN Jurisdiction.	e waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No.
BASIS (OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "nay The presence of waters that are subject to the ebb the past, or may be susceptible for use to transpor	and flow of the tide and/or are presently used, or have been used in
B.	interstate or foreign commerce, including all wate (2) The presence of interstate waters including int (3) The presence of other waters such as intrastate sandflats, wetlands, sloughs, prairie potholes, wet destruction of which could affect interstate comm (i) which are or could be used by interstate or (ii) from which fish or shellfish are or could (iii) which are or could be used for industrial	sed, or were used in the past, or may be susceptible to use in ars which are subject to the ebb and flow of the tide. erstate wetlands ¹ . e lakes, rivers, streams (including intermittent streams), mudflats, meadows, playa lakes, or natural ponds, the use, degradation or erce including any such waters (check all that apply): r foreign travelers for recreational or other purposes. be taken and sold in interstate or foreign commerce. purposes by industries in interstate commerce.
	 (4) Impoundments of waters otherwise defined as (5) The presence of a tributary to a water identifie (6) The presence of territorial seas. (7) The presence of wetlands adjacent² to other w 	

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

Lat	ateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and	_ `
		High Tide Line indicated by:
	clear, natural line impressed on the bank	oil or scum line along shore objects
	the presence of litter and debris	fine shell or debris deposits (foreshore)
	changes in the character of soil	physical markings/characteristics
	destruction of terrestrial vegetation	tidal gages
	shelving	other:
	other:	
	Mean High Water Mark indicated by:	
	survey to available datum; physical markings; veg	etation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland deline	ation map and/or in a delineation report prepared by:
Bas	nsis For Not Asserting Jurisdiction:	
	The reviewed area consists entirely of uplands.	()(1 0 47)
	Unable to confirm the presence of waters in 33 CFR part 328	
	Headquarters declined to approve jurisdiction on the basis of	
	The Corps has made a case-specific determination that the fo United States:	nowing waters present on the site are not waters of the
	Waste treatment systems, including treatment ponds of	or lagoons, pursuant to 33 CFR part 328.3.
	Artificially irrigated areas, which would revert to upla	and if the irrigation ceased.
	Artificial lakes and ponds created by excavating and/o	
	•	purposes as stock watering, irrigation, settling basins, or
	rice growing.	owners and bodies of water areated
	Artificial reflecting or swimming pools or other small by excavating and/or diking dry land to retain water for	
		I to construction activity and pits excavated in dry land fo
	the purpose of obtaining fill, sand, or gravel unless an	
		definition of waters of the United States found at 33 CFR
	328.3(a).	definition of waters of the emited states found at 35 er it
	Isolated, intrastate wetland with no nexus to interstate	commerce.
	Prior converted cropland, as determined by the Natura	
	Non-tidal drainage or irrigation ditches excavated on	
	Other (explain):	
DATA R	REVIEWED FOR JURSIDICTIONAL DETERMINATION	N (mark all that apply):
\boxtimes	Maps, plans, plots or plat submitted by or on behalf of the app	olicant.
	This office concurs with the delineation report, dated	, prepared by (company):
_	This office does not concur with the delineation report, d	ated , prepared by (company):
	Data sheets prepared by the Corps.	
	Corps' navigable waters' studies:	
	U.S. Geological Survey Hydrologic Atlas:	
×	U.S. Geological Survey 7.5 Minute Topographic maps:	
\vdash	U.S. Geological Survey 7.5 Minute Historic quadrangles:	
\vdash	U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey:	
H	National wetlands inventory maps:	
H	State/Local wetland inventory maps:	
H	FEMA/FIRM maps (Map Name & Date):	
H	100-year Floodplain Elevation is: (NGVD)	
H	Aerial Photographs (Name & Date):	
Ħ	Other photographs (Date):	
	Advanced Identification Wetland maps:	
	Site visit/determination conducted on:	
	Applicable/supporting case law:	
Ħ	Other information (please specify):	
_		
Project N	Manager/Regulatory Specialist_dt4/30/07_	Section Chief

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Nashville **FILE NUMBER:** 200700797

PROJE (CT LOCATION INFORMATION:		
Stat	e: Tennessee		
Cou	nty: Marshall		
Cen	ter coordinates of site (latitude/longitude	e):	35.29/86.74
	proximate size of area (parcel) reviewed,		guplands:
	ne of nearest waterway: Cane Creek		•
Nan	ne of watershed: Upper Elk		
	ICTIONAL DETERMINATION		D . 05/2/2007
Con	npleted: Desktop determination	\boxtimes	Date: 05/3/2007
	Site visit(s)		Date(s):
Jur	isdictional Determination (JD):		
	Preliminary JD - Based on available in	formation	, \square there appear to be (or) \square there appear to be no "waters of the
_			nited States" on the project site. A preliminary JD is not appealable
	(Reference 33 CFR part 331).		
	4 1m 4 1m;	1.11	(* (D. C. 22 (JED. (221)
\bowtie	Approved JD – An approved JD is an a	ippealable	action (Reference 33 CFR part 331).
	Check all that apply:		
	There are "navigable waters of the	United St	ates" (as defined by 33 CFR part 329 and associated guidance) within
	the reviewed area. Approximate size o		
		- 5	
	There are "waters of the United Sta	tes" (as d	lefined by 33 CFR part 328 and associated guidance) within the
	reviewed area. Approximate size of jun	risdictiona	al area:
			te waters or wetlands" within the reviewed area.
		i by SWA	NCC/Migratory Bird Rule Information Sheet for Determination of No
	Jurisdiction.		
BASIS (OF JURISDICTIONAL DETERMINA	TION:	
Α.	Waters defined under 33 CFR part 3		vigable waters of the United States":
			and flow of the tide and/or are presently used, or have been used in
_	the past, or may be susceptible for use t		
В.	Waters defined under 33 CFR part 3		
			ised, or were used in the past, or may be susceptible to use in
_			ers which are subject to the ebb and flow of the tide.
	(2) The presence of interstate waters in		
\boxtimes			te lakes, rivers, streams (including intermittent streams), mudflats,
			et meadows, playa lakes, or natural ponds, the use, degradation or
			nerce including any such waters (check all that apply):
			or foreign travelers for recreational or other purposes.
			be taken and sold in interstate or foreign commerce.
			l purposes by industries in interstate commerce.
	(4) Impoundments of waters otherwise		
	(5) The presence of a tributary to a water (6) The presence of territorial sees	er identifi	eu III (1) – (4) above.
	(6) The presence of territorial seas.	to other -	votors of the IIC event for those watlands adjacent to other and a
	(7) The presence of wettands adjacent	to other v	vaters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: East Fork Stones River is a water of the United States.

Lat ⊠	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: ☐ clear, natural line impressed on the bank ☐ the presence of litter and debris ☐ changes in the character of soil ☐ destruction of terrestrial vegetation ☐ shelving ☐ other: ☐ other: ☐ High Tide Line indicated by: ☐ oil or scum line along shore objects ☐ fine shell or debris deposits (foreshore) ☐ physical markings/characteristics ☐ tidal gages ☐ other:)
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.	
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepare	ed by:
Bas	Sis For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Water United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling be rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation abandoned and the resulting body of water meets the definition of waters of the United States found a 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rational: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):	easins, or dry land for a is at 33 CFR
DATA I	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:	g

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.